

## Article - Public Safety

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§13A-711.

(a) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence as prescribed by regulations and provided by law.

(b) (1) Any subpoena or other process issued under this article will pertain only to military personnel or military property.

(2) Except as otherwise authorized by the court for good cause, every subpoena or other process issued under this section shall be on a form similar to that which courts of the State having criminal jurisdiction may issue or properly accept.

(3) The form of a subpoena shall contain:

- (i) the caption of the action;
- (ii) the name and address of the person to whom it is directed;
- (iii) the name of the person at whose request it is issued;
- (iv) the date, time, and place where attendance is required;
- (v) a description of any documents, recordings, photographs, or other tangible things to be produced;
- (vi) the date of issuance and an expiration date, which shall be 60 days after the date of issuance; and
- (vii) a statement that the subpoena may be served within 60 days after its issuance and may not be served thereafter.

(4) Every subpoena or other process issued under this section shall run to any part of the United States and to the Commonwealths and possessions of the United States.

(c) A subpoena or other process may be issued to compel a witness to appear and testify:

- (1) before a court-martial, military commission, or court of inquiry;

- (2) at a deposition under § 13A–714 of this subtitle; or
- (3) as otherwise authorized under this title.

(d) (1) A subpoena or other process may be issued to compel the production of evidence:

- (i) for a court–martial, or court of inquiry;
- (ii) for a deposition under § 13A–714 of this subtitle;
- (iii) for an investigation of an offense under this title; or
- (iv) as otherwise authorized under this title.

(2) An investigative subpoena under paragraph (1)(iii) of this subsection may be issued before referral of charges to a court–martial only if a general court–martial convening authority has authorized counsel for the government to issue such a subpoena or a military judge issues such a subpoena pursuant to § 13A–602 of this title.

(3) With respect to an investigation of an offense under this title, a military judge detailed in accordance with § 13A–505 or § 13A–602 of this title may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121, title 18 of the United States Code, subject to such limitations as the Adjutant General may prescribe by regulation.

(e) If a person requests relief from a subpoena or other process under this section on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with § 13A–505 or § 13A–602 of this title shall review the request and shall:

- (1) order that the subpoena or other process be modified or withdrawn, as appropriate; or
- (2) order the person to comply with the subpoena or other process.

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